The

REPORTER

For Conscience' Sake

VOLUME XI | JANUARY, 1954 | NUMBER 1

"Doctors Draft" Regulations Promulgated

A recent *Federal Register*, dated December 16, 1953, included Executive Order 10505, signed by the President on December 10. Most of this order contains regulations drafted subsequent to the renewal and revision of the section of the Selective Service law on the "doctors draft." These regulations have not yet been issued in the usual form for inclusion in the book of Selective Service regulations, but they will probably have been issued in this form by the time this reaches its readers.

It will be recalled that the "doctors draft" extension was signed on June 29, 1953, extending the law from July 1, 1953, to July 1, 1955. The new regulations were in process of preparation and review by various governmental agencies

(*Continued on page* 2)

Gen. Hershey Approves Report Urging UMT Law; Conscientious Objectors Recognized

Major General Lewis B. Hershey, Director of Selective Service, gave strong backing to the report of the National Security Training Commission, submitted to President Eisenhower on December 14. General Hershey's support was expressed in a letter to the chairman of the Commission. The report, entitled "Twentieth Century Minutemen, a Report to the President on a Reserve Forces Training Program," urges that Congress enact into law a UMT program to operate simultaneously with the Selective Service law. Each young man would draw lots to determine if he would receive training for six months under the UMT program or perform service for two years under Selective Service. After UMT a man would become a member of the Reserves for seven and a half years.

Conscientious objectors would be recognized, if the proposal should be enacted into law, by a provision similar to the CO section of the present Selective Service law. This is that objectors shall perform civilian service contributing to the maintenance of the national health, safety, or interest. Objectors selected by lot for UMT would give six months of civilian service, and those selected by lot for Selective Service would give two years of civilian work.

The Commission is composed of Gen-

(*Continued on page* 2)

Here Is My Contribution To Help Worthy COs

To The National Service Board
1105 K Street, N.W.
Washington 5, D. C.

Gentlemen:

I understand it will cost a minimum of $30,000 to help conscientious objectors, through the National Service Board, during the fiscal year ending September 30, 1954. I know you help men who face possible jail sentences, who have classification, appeal, and work order problems, and whose rights to religious freedom are continually threatened by public opinion and by proposed new laws and regulations. I therefore gladly contribute $_____ to your work, which is enclosed, or which I will mail about _____, 1954.

Name _____

Street or R.F.D. _____

Town or City _____ **State** _____

(Clip and mail to NSBRO, 1105 K Street, N.W., Washington 5, D. C.)

Published by the National Service Board for Religious Objectors

The Reporter

For Conscience' Sake
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National Service Board for
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HERSHEY APPROVES U.M.T.

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eral Julius Ochs Adler of the *New York Times*, chairman; Dr. Karl T. Compton, physicist of MIT, vice-chairman; Warren Atherton, past commander of the American Legion; Admiral Thomas Kincaid, and General Raymond S. McLain of the National Guard. They stressed the following reasons for the program: the present reserve system is unfair and inadequate; a million men are available for UMT before 1960; our "defense posture" must be adapted to the Soviet danger. The program is similar to the one defeated in the House in 1952.

Many Groups Will Oppose

It seems certain that many church, educational, labor, farm, civic and other groups will vigorously oppose UMT if active steps are taken to push it through Congress.

Pentagon and Congress Uncertain

As this goes to press, the Defense Department has not recommended the passage of UMT. Many of its spokesmen have said it is not feasible or possible to operate UMT and Selective Service at the same time. The President may not even recommend to Congress its passage. And, in any event, it seems unlikely that Congress will enact the program into law, for a number of reasons including the following: (1) opposition of significant voting groups will be strong; (2) it is election year; (3) there is a widespread belief it cannot function simultaneously with Selective Service; (4) it would involve extra expense; (5) the chairman of the House Armed Services Committee is Dewey Short, the leader of the opposition to UMT through the years; (6) Selective Service, to many, already accomplishes the purposes of UMT.

As this goes to press the UMT report is soon to be available from the government printing office.

LEGAL NOTES

Several lawyers have recently drafted letters or briefs on significant issues facing conscientious objectors at the present time. Some are as follows:

Harrop A. Freeman has written "Multiple Prosecutions of Conscientious Objectors." It is directed at the well-known policy of the government to prosecute a conscientious objector the second or third time, under some circumstances, after prison sentences have been served.

• • •

Robert B. Myers has recently written "Naturalization of Conscientious Objectors." It is directed at the recent policy of the Immigration and Naturalization Service to prevent the naturalization of a conscientious objector who even says he is willing to do "work of national importance under civilian direction," but who makes the reservation that he cannot do defense work. This Service seems unwilling to recognize a principle which Selective Service long ago recognized—that most COs are as much opposed to defense work as they are to service in the armed forces.

• • •

Oliver E. Stone has written "Amnesty in 1953 for Violators of the 1940 Draft Act." This is another statement addressed to the fact that the government has refused thus far to give amnesty to a lot of conscientious objectors of World War II.

• • •

Elvin R. Souder has written on the subject "Necessity of Incorporating Phrase, 'So Help Me, God,' in Loyalty Affirmation in Lieu of Oath." This memorandum is addressed to the fact that, even though men opposed to the use of the word "swear" are allowed to use the word "affirm," they are not allowed to omit the words "So Help Me, God" in taking certain types oaths of affirmation when they assume jobs with various governmental hospitals as I-W registrants. One government agency has ruled that an affirmation (acceptable to some people who will not "swear") cannot omit the words "So Help Me, God." A number of objectors are opposed to swearing and the use of these words, but will make affirmations.

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The National Service Board has available mimeographed copies of the following recent legal opinions: *U.S. vs. Harold N. Stull; U.S. vs. Robert Lee Evans; U.S. vs. Edward Lee Nichols; U.S. vs. Mike William Rogoff;* and the Supreme Court case *George Lewis Dickinson vs. United States of America.* Each of these is available by sending five cents to NSBRO, except the Dickinson opinion which is ten cents.

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A petition for writ of certiorari to the District Court of Appeals from the Fourth Appellate District of California has been filed with the Supreme Court of the United States in the case of Arthur Jost, petitioner, vs. United States of America.

'DOCTORS DRAFT' REGULATIONS

(*Continued from page* 1)

from June until December 10. The regulations are largely technical and do not especially interest objectors beyond the provisions of the law itself. It will be recalled that the law established the principle of recognition of CPS service, in terms of less or no future civilian service, on the part of ex-CPS men now in the category of special registrants.

No doctors are being drafted at the present time, and may not be for some months to come. On the other hand, drafting of physicians could be resumed at any time. A few dentists are being drafted currently.

PAPERS PRAISE I-Ws

In the Lincoln, Nebraska, *Journal Star* Mr. Clarke Thomas, Sunday staff writer, authored a very constructive and complimentary article on "Conscientious Objector Program in State Working Well—Henninger." His article begins: "Nebraska's program of handling conscientious objectors to selective service is working smoothly." He then quoted the Nebraska state director, Brig. Gen. Guy N. Henninger, who said the state had 144 men in the various CO classifications. Conscientious objectors are "a small part of our worry," because of the small numbers which exist, said the director.

The Portland, Maine, *Press Herald* recently ran a feature story on the services of six I-W men in a hospital there. The paper quoted Miss Alice M. Trembaly, operation room supervisor, as saying "I think it will help us a great deal." Director Donald M. Rosenberger is quoted as saying "We feel fortunate." The men are Mennonites.

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Data about the new WRL Unit in Denver can be received from William B. Fogarty, 65 West Alameda Ave., Denver 19.

Hearing Officers Are Given Instructions by Justice Department; United States Attorney Is Key Figure in Arrangements

Detailed instructions for hearing officers have been sent to them by the Attorney General, Herbert Brownell, Jr. These begin by stating that the Selective Service law requires a hearing for COs that appeal from a local board's denial of the CO claim, and the function of the hearing officer is to conduct the hearing and render a report. The U. S. Attorney will arrange for the FBI investigation, and will later transmit to the hearing officer the registrant's Selective Service cover sheet (file) and the FBI investigative report.

The registrants' files are original and confidential documents, and great care in handling is to be exercised. The registrant is entitled to see any information in his file. The FBI report is confidential and should not become a part of the Selective Service file, nor should the registrant be allowed to see it under any circumstances. However, duplicate copies of a "fair résumé" of the report are to be supplied to the hearing officer by the U. S. Attorney, one copy of which is to be sent by the hearing officer to the registrant and the other copy placed by him in the SS file.

After receipt of a case, the hearing officer is to examine the file and FBI report. He may request further investigation or may confer with the FBI. He might, the instructions point out, want to have the FBI determine if a registrant, who worked for a company producing material for the national defense, knowingly worked on defense contracts.

A notice of the hearing is to be given ten days prior to the date set for it. The notice shall be accompanied by a copy of the instructions to registrants and the résumé of the FBI report. A duplicate copy of this notice is to be attached to the hearing officer's subsequent report and recommendation to the Justice Department. Several steps are outlined for assuring that the notice is actually delivered to the registrant.

The hearing is an administrative procedure and shall be informal, non-technical, and flexible. It shall not resemble a judicial proceeding, prosecutive action, and the registrant shall not be deemed to be on trial. Ordinary rules of evidence shall not apply.

The hearing officer may not subpoena witnesses or administer oaths; the testimony of voluntary witnesses will not be sworn. The hearing shall be orderly, dignified and shall at all times be under the control of the hearing officer, who shall be the sole judge of the method to be used in the hearing. The scope of the hearing shall be only the consideration of the merits of the CO claim made by the registrant.

Informal presentation of the testimony of the registrant and his witnesses is to be allowed. All relevant testimony, affidavits, and other documents submitted by the registrant shall be received and considered, the hearing officer being sole judge of relevancy. One attorney or other personal advisor may sit with the registrant during the hearing, but will not be allowed to object to questions or make argument. The hearing officer may allow witnesses, in addition to the one advisor allowed to be present all during the hearing, to be present as a group or be called one at a time, depending upon the discretion of the hearing officer. If the registrant fails to appear, all the materials in possession of the officer on the case shall be sent to the Justice Department in Washington, with a letter stating the registrant failed to appear.

The purpose of the hearing is to ascertain the character and good faith of the objections and to determine the sincerity of the objector. Since exemption for objectors has no constitutional guarantee, the grant of exemption by Congress is to be construed strictly against the grantee. The CO section of the law is to be subject to strict and literal construction. It is noted that the courts have not indicated the standard of proof in CO hearings, against the background of Supreme Court cases.

The burden of proof is entirely upon the registrant, who shall clearly establish his eligibility for consideration as a CO. The government has no burden to disprove a registrant's CO claim. The registrant shall show that his objections stem from his religious training and belief. A registrant is not required to be a member or adherent of any religious sect or organization.

The instructions state that objectors may be divided into two groups: (1) those with objections based on the tenets of a particular church or religious organization and (2) those whose objections are based upon their own religious beliefs but do not rely upon adherence to any religious doctrine or any membership in any church, sect, or religious organization as a basis of the objections. The question in the first group is whether a registrant is a bona fide member of the religious group and if his life and conduct are such as to indicate he is a true believer in the group's tenets. This group includes members of "peace churches" and of other religious groups having creeds which provide a basis for the belief that war is ungodly or un-Christian.

The question with the second group is whether the registrant is conscientiously opposed to participation in war in any form. The hearing officer is to satisfy himself whether the objections are based upon a personal religious conviction or upon essentially political, sociological, or philosophical views or a personal moral code.

The hearing officer is to ascertain the registrant's knowledge of his religion, his religious activity, the consistency of his life with the tenets of his professed religion, his reputation for truthfulness, honesty, piety, past expressions of pacifism, and his frankness and candor. The truth of his written statements is to be ascertained, if possible. The judgment of the hearing officer is to be based on the information in the file, the FBI report, the data adduced at the hearing, and the attitude and demeanor of the registrant at the hearing.

The hearing officer may recommend the CO claim be not sustained if the registrant is not opposed to war in any form, if his objections are not based on religious training and belief, and if the claim is not made in good faith.

The hearing officer shall recommend a I-O classification if the registrant is opposed to war in any form, if his objections are based on religious training and belief, if he is sincere and his claim is made in good faith, and if he is opposed to both combatant and non-combatant service in the armed forces. He shall recommend I-A-O if the registrant meets all these requirements but is opposed to combatant service only.

The hearing officer shall send the Justice Department a report giving name, date, data on the hearing notice, the nature of the claim, a statement of facts as discovered in the hearing, the file, and the FBI report, his conclusions, his recommendation, and his signature.

When the case reaches the Justice Department a number of procedures are followed: checking to see that registrant received all his rights; review of the case and making the recommendation to the appeal board; in some instances returning the file to the hearing officer for further information or more complete report. The Department may uphold or

(*Continued on page 4*)

HEARING OFFICERS GIVEN INSTRUCTIONS

(*Continued from page 3*)

reverse the recommendation of the hearing officer.

Provisions are made for transferring the place of hearing to a more convenient location. The registrant may request transfer. The government policy is to hold the hearing in the state of the registrant's current residence.

The registrant may withdraw his CO claim, but hearing officers may not advise such withdrawal. The withdrawal shall be written. If only oral request for withdrawal is given, the Justice Department still has jurisdiction, but will probably recommend denial of the CO claim.

The hearing officer may not testify in court on the content of the FBI report. He shall notify the U. S. Attorney if served a subpena. Hearing officers may have some stenographic assistance, travel allowance, and other considerations under certain circumstances. They are to avoid delay because such may be helping near-26 registrants to avoid any type of service.

A sheet of instructions to be sent to registrants is supplied the officer, as is a supply of Notice of Hearing forms.

A very interesting five-page supplement entitled, "Opposition to War in Any Form," is appended to the report. It discusses the position of Jehovah's Witnesses in relation to Selectvie Service, and how hearing officers shall deal with them and their beliefs.

REGULATIONS ON COs TO SURGERY AND MEDICINE

Army regulations contain a paragraph on refusal of medical, surgical, or dental treatment. It states, in effect, that persons in the service who refuse medical or surgical treatment will be examined by a board of three medical officers. If men persist in their refusal after being notified of the findings of this board, they may be tried by court martial. Whether such disciplinary action is taken or not, other action may be taken with the view toward discharging or retiring the refuser. The Surgeon General shall review any case before a court martial is instituted.

In cases where refusal to submit to surgery or medical treatment is based *on religious grounds* the processing will be identical, except the examining board shall have a chaplain on it as an additional member and the case shall be referred to the Chief of Chaplains, along with the Surgeon General, for review prior to any action.

Presumably this regulation is of considerable significance to Christian Scientists and others.

NSBRO Staff Interviews Immigration And Naturalization Officials

While it is impossible and inadvisable to report every contact made by the NSB staff in Washington, a recent interview may be of interest to readers. The staff interviewed two nearly-top officials of the Immigration Service to discuss an Immigration Service recommendation that conscientious objectors who apply for citizenship shall not be granted citizenship if they have reservations regarding the type of civilian work they would promise to do in taking the naturalization oath. Some applicants for citizenship have said they could not take the oath, promising to do civilian work, if such civilian work meant defense work. Immigration officials recommended that such persons not be granted citizenship. Fortunately, however, the courts, in at least one case, have decided otherwise.

The staff made a number of suggestions. It was pointed out that Selective Service through the years recognized that objectors were as much opposed to doing defense work as to performing armed service, and that Immigration might well do the same. It was also pointed out that an Executive Order states, in effect, that men in the armed services consequent to a I-A-O classification shall not be required to handle or use weapons, or even be trained in their use. Since this is the case, it was suggested that certainly objectors in civilian work should not be required to handle weapons or to perform other defense work. These and numerous other suggestions were taken "under advisement" by the officials. Robert Myers prepared a brief expressing the staff recommendations, at the suggestion of Service officials.

BENVENUTI DENIED CITIZENSHIP

Daniel Benvenuti, 55 W. 34th St., West Paterson, N. J., son of a minister in the Christian Apostolic Church of that city, was recently denied citizenship by Judge Alexander MacLeod. Benvenuti, Canadian-born conscientious objector to military service, was told by the judge: "Since you are not willing to bear arms for your country and kill the enemy, I don't feel that you should be granted citizenship, even though you are sincere in your belief. I further say that I would not want to hinder you in your belief of worship to God, keep on the same way, and you may enjoy all other privileges as a citizen except the right to vote." The judge apparently knew nothing about the alternative oath for COs, or deliberately disregarded it. The case is being appealed.

* * *

RENFREW GRANTED CITIZENSHIP

Several months ago Mrs. Gladys Renfrew was granted citizenship in Boston, even though she held scruples against certain types of military activity. She told the authorities she would be willing to do civilian work, but not defense work, and that she would be willing to give noncombatant service in the armed forces, but not combatant service.

* * *

THIESSEN CASE DELAYED

The naturalization of John Thiessen, Mennonite CO of California, was delayed six months by Judge Machetanz recently. The Immigration and Naturalization Service was expected to recommend against citizenship because he is a conscientious objector, but agreed to the delay.

* * *

DIVINITY STUDENTS MADE NO "GREAT RUSH" TO SCHOOL DURING WAR II

In a 41-page report analyzing attendance at theological schools from 1937 to 1950, Selective Service makes the following conclusion:

"The question of whether the exemption of theological students from the draft in a time of war would cause 'a great rush' to the divinity schools seems to have been well answered by the information gathered.

"This information shows that the theological schools have had an overall enrollment growth during the past 12 years; that this was greatly reduced during the years of conflict, despite the draft provision exempting divinity students from call, and that it reappeared in increased proportions after the cessation of hostilities."

Credit May Be Given I-Ws for Voluntary Service Prior to Work Order

A recent directive was sent from the National Director of Selective Service to state directors entitled "Credit in the Conscientious Objector Work Program for Voluntary Service Performed Prior to Issuance of Order to Work." It states that following June 19, 1951, the date of passage of the revised Selective Service Law providing for a civilian work program, many objectors voluntarily entered into civilian work before the regulations were promulgated, and that many local boards gave orders to report for work sometime after the men actually began civilian work.

The directive states further that consideration will be given to the release of any such I-W man from civilian work if the man himself requests such a release, if the man has satisfactorily completed 24 months of service since the date of volunteering, and if such a I-W registrant presents a statement from the employer that he has satisfactorily completed 24 consecutive months of civilian service. The directive makes it clear that such requests for release will be considered only on an individual basis by national headquarters. In other words, the rule will not apply in blanket fashion to all I-W men, but only to individual cases as they are being considered by national headquarters.

RELIGIOUS AFFILIATIONS OF I-W MEN

Mennonite (Amish included)	2,053
Church of the Brethren	283
Society of Friends	101
Jehovah's Witnesses	100
Old German Baptist Brethren	88
Church of Christ	77
Christadelphian	39
Brethren in Christ	36
Church of God	30
Methodist	27
Pentecostal	13
Baptist	12
Dawn Bible Students	12
Congregational	10
Evangelical and Reformed	10
Assemblies of God	8
Presbyterian	8
Evangelical United Brethren	7
Seventh Day Adventists	7
Hutterian Brethren	6
Church of the First Born	5
United Missionary	5
Episcopal	4
Holiness Church	4
First Century Gospel	3
Independent Fundamental	3
Plymouth Brethren	3
Unitarian	3
United Zion's Children	3
Apostolic Christian	2
Christ's Sanctified Holy Church	2
Church of the Christians	2
Doukhobour	2
Followers of Jesus Christ	2
Gospel Tabernacle	2
Megidda Mission	2
Order of Aharon	2
Pilgrim Holiness Church	2
Russian Molokan	2
Ambassadors for Christ	1
Christian Science	1
Christians Gathered Together	1
Church of God and Saints of Christ	1
Church of God in Christ	1
Church of the Four Leaf Clover	1
Church of the Nazarene	1
Church of Theola	1
Disciples of Christ	1
Essenes of Kosmon	1
Free Methodist Church	1
Lutheran	1
Missionary Church Association	1
Mormon	1
Reformed Church in America	1
Roman Catholic	1
United Christian Church	1
United Lutheran	1
Unity School of Christianity	1
No Affiliation	29
TOTAL OF KNOWN I-W AFFILIATIONS	3,028
TOTAL OF MEN RELEASED FROM SERVICE	18

I-W UNIT PAPERS PROVE INTERESTING

A stream of periodicals published by various I-W units and administrative agencies reaches the NSBRO office. Some are as follows: "The I-W Mirror," published by MCC; the "Weather Vane," published by the Chicago I-W Mennonite unit; "Small Fry," published by smaller I-W units administered by the Mennonite Relief and Service Committee of Elkhart; "The Illuminator," educational and recreational bulletin published by MCC; "The Denver Post-Mortem," published by the Mennonite Denver Unit; "From Pillar to Post," published by BSC. NSB will be glad to be put on the mailing list for others.

Reduced Wages Reported

While most states are paying prevailing wages (usually in the very low brackets), recent reports from reliable sources indicate that less-than-prevailing wages are being paid to COs in a private non-profit institution in Idaho and in several public mental institutions in Alabama. Less-than-prevailing wages are reported in several other states. Reduction of pay scales reminds many COs of the situation in CPS where no wages, except a few dollars per month, were paid to objectors.

STATISTICS SHOW 3,919 IN I-W

Selective Service figures of October 30, 1953, just released, indicate that there are now 6,964 registrants classified I-O or I-W, either at work or released. This is in contrast to 12,272 classified IV-E September 30, 1950. This means there are 5,308 fewer men in some objector classifications now than on September 30, 1950. This difference comes about because IV-E was at that time near the bottom of the list in the order of classifications, while currently the I-O is near the top of the list. Presumably the 5,308 are now in classifications lower on the list than I-O, such as III-C, III-A, V-A, and the like.

As of October 30, 1953, 3,712 men were classified I-W on the job; 20 were classified I-W (Released); 1,560 were examined and acceptable. There were, as of October 30, 1953, 1,672 I-Os not yet examined.

The latest total of I-Ws at work, as of December 14, 1953, is 3,919, according to Selective Service.

FIRST STEP IN TRANSFER

It was recently indicated that if a I-W desires to transfer from one job to another, it would be necessary first of all to secure a statement from the original employer to the effect that the employer has no objection to the transfer. Selective Service is discouraging transfers as much as possible and it is obvious that the necessity of securing such a statement is in keeping with this general policy.

KANSAS AND WAGES

Even though the Kansas State Director has placed a limit on wages paid to COs, which is generally below the prevailing wage, the Menninger Clinic has announced that it will go above this minimum after three months of service.

"NOT" USED IN ERROR

The case of a registrant living in Iowa illustrates how error can occur. During an appeal to the state board for a conscientious objector classification, an FBI investigation and Justice Department hearing were conducted. The file of this registrant was then sent to the Department of Justice in Washington. Then a recommendation, concerning the registrant, was sent from the Department of Justice to the state appeal board. Partially on the basis of this recommendation his I-A classification was determined. A I-A by the Presidential Appeal Board was also apparently based upon this recommendation.

In this registrant's case, the Justice Department recommendation stated that his "objections to combatant and noncombatant service are *not* sustained. . . . It is, therefore, recommended that . . . exemption from both combatant and noncombatant training and service be *not* sustained." However, the word "not" should not have been inserted at either place, according to later word from the Justice Department.

At the present, corrections have been made by the Justice Department and action to reopen classification is being taken.

* * *

HEIBERT HEARING RESULTS IN LUNCHEON IINVITATION

The strange result of his hearing was entirely unpredicted by Kenneth J. Heibert when he appeared before a hearing officer. The registrant, a Mennonite from Minnesota, was denied his CO classification by his local board. As circumstances developed, Kenneth was the first Mennonite interviewed by the hearing officer.

After a brief discussion, during which the hearing officer became firmly convinced of the registrant's sincerity, the interview turned to Mennonite principles and doctrines. The hearing officer became very much interested in the subject. The result was an invitation for a leader of the Mennonite Church to talk before the hearing officer's Episcopalian luncheon group.

* * *

IOWA AMISHMEN SENTENCED WITHOUT LEGAL HELP

In a recent, unusual, court trial, two young men, Old Order Amish Mennonites, received three-year sentences for refusing induction. These men, Melvin J. Chupp of Fairbank, Iowa, and Emanuel J. Miller of Hazletown, Iowa, were denied a I-O classification. Judge William F. Riley of Des Moines handed down the sentences on November 16, 1953.

In pleading "not guilty," each man acted as his own defense attorney. They stated that "they should not go to law," in accordance with their church doctrines. Furthermore, no witnesses were called in defense and no legal points argued. Chupp's only statement, made at the close of the trial, was as follows: "According to my religious training and our beliefs, I cannot take selective service training. Jesus never killed His enemies. He let the enemies kill Him. Therefore I am here to give myself up to the jury."

For each trial, the jury only deliberated about 15 minutes before returning a verdict of guilty. During his trial, Miller made the remark that no classification card had been received. This was affirmed by Miller's father. Judge Riley, however, did not consider this fact after the Buchanan County Local Board chairman stated that the card was not returned by the Post Office. The two men are presently incarcerated at the Medical Center for Federal Prisoners in Springfield, Missouri, doing farm work.

* * *

LOCAL BOARD FAILURE ACQUITS NICHOLS

Edward Lee Nichols, a minister of the Church of Christ, was acquitted of a charge of refusing to submit to induction. Judge Harry C. Westover handed down the decision in Los Angeles on December 14, 1953.

The acquittal was based on the failure of Nichols' local board to properly inform him of denial of reopening of classification. Previously, he received a I-A from the local board, a I-A-O from the California State Appeal Board, and a I-A from the Presidential Appeal Board. Nichols then filed substantial new evidence stating that he was an ordained minister. The local board refused to reopen the case. A standard form was sent to him, but no copy placed in his file. Regulations state that a letter should have been sent to the registrant and a copy placed in the file.

* * *

COBB GIVEN IV-F

In proving his conscientious objections to war, James Cobb was court martialed twice, spent five months in the stockade, assigned to hard labor, fined, and was in solitary confinement. After 14 months in the army, James was released with an undesirable discharge, about a year ago. Just recently he was given a IV-F classification.

Registering late as a CO, Cobb was denied a I-O by his local draft board. Upon appeal, he was continued in I-A. Induction was set for four days before his 26th birthday, the date of becoming overage. He refused to take the induction oath, but having already taken the forward step, he was inducted. Soon Cobb began his non-cooperation, even to the extent of not accepting his pay.

After many hardships and difficulties, James Cobb was released from the army. Throughout this period, various army officials attested to the fact that Cobb was a sincere conscientious objector.

* * *

I-A-Os CONTINUE STRUGGLE FOR RECOGNITION

Many I-A-Os in the army are constantly seeking NSB's help and advice for their problems in maintaining the noncombatant position. Their letters remind us of the pressures exerted upon them.

Excerpts from a recent letter written by a I-A-O in the medical corps follow: "During the first week of basic training, the master sergeant summoned all the COs in this company and said that all the proof he had to support our CO claims was the word of each man. Therefore, he asked those of us who did not bear arms to secure a notarized statement from our local pastor stating that the person concerned had been a CO and a church member before induction. (Army rules require the I-A-O notation in a man's record.)

"Now a different master sergeant is in charge, and last night he called in the COs to know who they are. One of us offered him a notarized statement, but the sergeant told him to hold onto it.

"I have already been in one class where I was ordered—as part of a group—to sight through a rifle. . . . I think I have a good understanding of the reasons—and inconsistencies—of the I-A-O position. . . . The master sergeant has already asked me what I would do if I reach combat and it is a matter of kill or be killed. . . ."

* * *

BEATY FINALLY IN I-W

After a lengthy assignment procedure, Gordon T. Beaty of Missouri is finally a I-W. He is assigned to the Kansas City General Hospital.

Gordon had his IV-E and I-O during college. As a Methodist who wanted to get into hospital administrative work, he accepted a job in Barnes Hospital in St. Louis. Meantime he tried to get a I-W.

Next Gordon's local board gave him I-A. The usual appeal followed. The I-O was finally returned by the appeal board. Gordon's draft board decided that he should work in Michigan.

Upon reporting to his assignment, a physical examination showed him unfit for work. After months of hospital care, he was assigned to the hospital nearer home.

HERE AND THERE

Dr. Andrew T. Roy, Secretary, Department of Missionary Personnel, Presbyterian Board of Foreign Missions, wrote an article some months ago in "Social Progress" entitled "The Conscientious Objector." The article is written in Dr. Roy's usual clear form. Persons desiring a copy should write to "Social Progress," Department of Social Education and Action, Witherspoon Building, Philadelphia, Pennsylvania. Dr. Roy also recently addressed the Episcopal Pacifist Fellowship.

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The Evangelical and Reformed Church recently printed articles on the conscientious objector in two of their papers, "Christian Community," edited by Huber Klemme, and the paper for young people entitled "Youth," edited by Herman Ahrens. The Youth Department of this denomination, Henry Tani, director, also recently included several pages in their youth manual on COs.

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A memorandum on Methodist COs, released by the Board of World Peace, indicates that 20 to 30 Methodist men have been assigned to civilian work. Two are overseas, and a few less than half the total are employed directly with Methodist agencies. About 100 Methodist institutions have been approved for the employment of COs. Almost 200 COs have been employed thus far, mostly from the Mennonite and Brethren Churches. Comments from supervisors indicate splendid services by these I-W men.

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"Freedom, Curch, State, and Civilian Work" is the title of a 4-page article written recently by A. Stauffer Curry for a church publication. Copy can be secured by sending ten cents, to cover production and mailing costs, to NSBRO, 1105 K St., N.W., Washington.

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It was recommended by the section on "Problems of the CO," meeting during the Detroit Church and Peace Conference in December, that various denominations be encouraged to give official support to the statement on COs issued by the World Council of Churches Central Committee in 1951. The American Baptist Convention at its recent meeting passed the following: "RESOLVED, that the American Baptist Convention approve the action of the World Council of Churches in its proposal for a just basis for legislation which pertains to conscientious objectors in all nations." Other denominations might pass similar resolutions.

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William Weir, member of the Church of God (Oklahoma), is now in prison. One of his advisors is L. D. Pruitt, long interested in the Consultative Council of NSBRO.

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Robert McCorkle, a Taoist conscientious objector now in prison, notes wryly: "My education has branched into new and interesting fields. I am learning a great deal about narcotics (selling and using), robbery (both armed and unarmed), stealing cars, rape, prison formalities, and a host of other subjects."

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David and Paul Seaver, twins, were sentenced to one day in prison by Judge Welsh. They had previously served 18 months in prison for refusal to register. The judge said: "Because of their deep belief, they took their medicine, and served their penalty which satisfied the legal requirements."

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"Hawaiian registrant inducted as I-A-O is twice decorated" is the heading of an article in the Selective Service November monthly bulletin. The headline refers to Staff Sgt. John F. Orso, 22, a member of the Seventh Day Adventist Church.

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Robert Sokol has been given the V-A classification. . . . *Glenn James Davis* is serving a one-year sentence, rather than the usual year-and-a-day sentence. . . . *Dale LeRoy Hershey* and *Paul D. Dewey* are awaiting trial in Ohio. . . . *Donald Crouse*, prominent midwest bowler and member of Jehovah's Witnesses, was recently acquitted of the charge of refusal to submit to induction. . . . *Five youths* were convicted on November 24 of "beating up" two I-W men working at South Mountain Sanatorium near Chambersburg, Pa. *Rufus Groft* and *Wilbur Good* of near Lancaster were assaulted on October 5.

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"Every Boy Faces 8-Year Military Obligation" is the title of a most significant article in the October 16, 1953, U. S. News and World Report. Objectors would be particularly interested.

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A 4-page section on conscientious objectors is included in "Freedom, Justice, Equality," a 160-page two-year report of the American Civil Liberties Union. Copies of this can be secured for fifty cents by writing ACLU, 170 Fifth Ave., New York 10, N. Y.

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Bradford Lyttle, 5729 Dorchester Ave., Chicago 37, Illinois, has mimeographed a number of statements regarding his belief in relation to his Selective Service case.

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Laurence M. Stickney, Executive Secretary of the New England Committee for Conscientious Objectors, Room 51, 9 Park Street, Boston 8, Massachusetts, informs us that he ran across a rare recording by Bernard Shaw in which he speaks about war and states that "Young men should become conscientious objectors." This is available through Audio Archives, LP #0074, at $4.00. A number of our readers may want to experiment with this recording.

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A large midwestern state recently reported 99 I-O registrants from the following denominations: Mennonites 27, Jehovah's Witnesses 31, Church of Christ 15, Church of God 6, Pentecostal 4, Church of First Born 3, Assembly of God 1, Baptist 2, Lutheran 2, Protestant 2, Friends 1, Gospel of the Kingdom 1, Church of the Brethren 1, Followers of Christ 1, Not Stated 1, Member of No Church 1.

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A prominent encyclopedia, in an article on "Immutability of the Constitution," states that "the conscience and intelligence of the country have been the real safeguards of the citizen against injustice and oppression."

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Public Law No. 149 appropriates $29,882,400 for Selective Service during the fiscal year ending June 30, 1954. An interesting feature of the law is the limitation of funds to be used for travel by all agencies, including Selective Service.

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The Disciples of Christ have hectographed a compilation of six statements about the conscientious objector adopted by their national conventions. For copies contact Dr. James Crain, 222 South Downey Ave., Indianapolis.

DICKINSON SUPREME COURT CASE CLARIFIES SCOPE OF COURT REVIEW

The United States Supreme Court, in a six to three decision, has clarified and perhaps enlarged the scope of court review in Selective Service cases, at the same time acquitting the registrant involved.

The court opinion, dated November 30, was written by Justice Tom C. Clark in the case of Jehovah's Witness George Lewis Dickinson, who had claimed ministerial classification and refused induction when 4-D was denied. The Selective Service ruling placing Dickinson in Class I-A had been upheld in the Northern District of California and by the Court of Appeals for the Ninth Circuit.

In the case of *Estep* v. *United States*, under the 1940 Act, the Supreme Court explained that the Congressional provision making local board classification final means that the courts shall not weigh evidence to determine whether local board classification was justified. Local board classifications "made in conformity with the regulations are final even though they may be erroneous." However, the Estep opinion also stated that a local board has exceeded its jurisdiction and the court may intervene "if there is no basis in fact for the classification."

In the instant case the Court went on to say that when a registrant has furnished proof of eligibility for exemption, he may not be denied such exempt classification unless the record contains contradictory evidence disputing his claim. ". . . when the uncontroverted evidence supporting a registrant's claim places him prima facie within the statutory exemption, dismissal of the claim solely on the basis of suspicion and speculaton is both contrary to the spirit of the Act and foreign to our concepts of justice."

Relative to the ministerial claim, the court stated that preaching and teaching "performed part-time or half-time, occasionally or irregularly" are insufficient to qualify for exemption, but that the statutory definition "does not preclude all secular employment." The opinion states further:

> "Many preachers, including those in the more traditional and orthodox sects, may not be blessed with congregations or parishes capable of paying them a living wage. A statutory ban on all secular work would mete out draft exemptions with an uneven hand, to the detriment of those who minister to the poor and thus need some secular work in order to survive. To hold that one who supports himself by five hours of secular work each week may thereby lose an exemption to which he is otherwise entitled, would be to achieve a result that Congress so wisely avoided."

Young Dickinson performed the role of "company servant" or presiding minister of a local group of Witnesses in California, but subsisted on $35 a month earned by radio repair work averaging five hours a week.

Justice Jackson, joined by Justices Burton and Minton in his dissent, challenged the whole "theory" of court intervention when there is no basis in fact for the classification given. Reaching the conclusion that court intervention is justified only when the registrant has submitted affirmative proof "that the board has misconstrued the law or acted arbitrarily," he makes the following statement:

> "If it is said that this puts an awesome power in the hands of the selective service authorities, I can only reply that conscription is an awesome business."

Copies of the ruling opinion and the dissent are available from the NSBRO. Send 10 cents per copy to cover cost of mimeographing and mailing.

FIRST CENTURY GOSPEL

A group of nearly three hundred people in Philadelphia known as "First-Century Gospel" makes one of their requirements for membership the holding of the conscientious-objector position. Rev. James Clark is pastor.

I-Ws IN KOREA

As this goes to press, at least five I-Ws are serving in Korea under MCC.

COs ABROAD

The recent War Resisters' International News Releases listed the conscientious objectors in prison in many countries, to enable interested persons to send Christmas greetings. . . . "Parliament and COs," a short article in a recent issue of "The Friend" of England, describes the discussions in Parliament regarding the status of conscientious objectors who are still liable for part-time service as members of the Reserve. The outcome seemed to give assurance to COs. . . . Another interesting article in a less recent issue of "The Friend" is entitled "Prison; the CO's Opportunity," written by R. C. Ogley. . . . A recent document entitled "Principles Which Should Underlie Legislation Providing for Conscientious Objection, as amended by the International Department of the British Council of Churches in March 1953" has reached the NSB office. It is a revision by the British Council of Churches of the 1951 document on COs issued by the Central Committee of the World Council of Churches. NSBRO will be glad to supply copies of this to any who inquire. Send five cents to cover cost of mimeographing. . . . A pamphlet, "Conscientious Objectors; Their Position in 1953," gives the debate in the House of Commons in Britain on July 23, 1953. This is published by the Central Board for Conscientious Objectors, 6 Endsleigh St., London, W.C. 1. Another CBCO publication is "The Fourteenth Year Annual Report of the C. B. C. O." Both of these are priced at "sixpence."

MEN UNDER 19?

A recent Selective Service Bulletin states that "Men under 19 not likely to be called soon." It was pointed out that only five states found it necessary to take men under 20 to fill their November call, and most of these were almost 20. "The number of 19-year-olds inducted was insignificant," said the article.

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